

ending part and the second control information is recorded in the lead-in part and also in the ending part.

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-8 are pending in the application.

### ***I. Drawing Objection***

In the Office Action, the drawings were objected to for failing to comply with 37 CFR 1.21(d) because the drawings fail to show every feature of the invention specified in the claims. Specifically, the Applicant's understand that the features that are allegedly failed to be shown in the figures relate to, "pregroove on the first recording layer extending spirally in a first direction and the pregroove on the second recording layer extending spirally in a second direction opposite to the first direction for constituting a multi-part recording area". Applicants respectfully direct the Examiner's attention to Figures 4 and 5 which clearly illustrate arrows indicating the spiral direction on both layers. Therefore, Applicants respectfully request withdrawal of the drawing objection.

### ***II. Rejections under 35 U.S.C. §102(b)***

In the Office Action, Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,072,759 ("Maeda"). Applicants respectfully traverse the rejection.

#### **A. Claim 1 is allowable**

The cited portions of Maeda do not anticipate claim 1 because the cited portions of Maeda do not teach every element of claim 1. For example, the cited portions of Maeda do not disclose or suggest "*a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and the ending part comprising said wobble modulation representing second control*

information including recording parameters for the second recording layer”, as recited in claim 1. In contrast to claim 1, Maeda teaches a novel recording medium in which information is recorded in different portions of the medium using different data formats. Data management information for managing the reproduction of the data is stored in a lead-in area. For example, data management information for managing the reproduction of the data stored in a first data format is stored in a prescribed portion of the lead-in area of the recording medium and data management information for managing the reproduction of the data stored in a second data format is stored in another prescribed portion of the lead-in area. Data stored in conformity with the different physical format management information is recorded in a data area. *See* Maeda, Summary. It is respectfully submitted that this is different than a dual-layer optical record carrier whereby information is recorded on physically different layers in the same data format. The difference being that, according to the invention, the data is recorded on the different layers using different control parameters. It is submitted that Maeda does not teach or suggest the use of different control parameters for managing the recording of control information specific to a particular recording layer. Therefore, Maeda does not teach or suggest the use of first control information and second control information. Thus, the cited portions of Maeda do not disclose or suggest “a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer”, as recited in claim 1 [Emphasis Added]. Hence, claim 1 is allowable.

### ***III. Claim Rejection under 35 USC 103***

The Office has rejected claims 2 and 3 under 35 U.S.C. §103(a), as being unpatentable over Maeda in view of U.S. Patent Publication No. 2003/0081535 (“Ross”). Applicant respectfully traverses the rejection.

**Claims 2 and 3 are Allowable**

As explained above, Maeda does not disclose or suggest each and every element of claim 1, from which claims 2 and 3 depend. Specifically, the cited portions of Maeda fail to disclose or suggest *“a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer”*, as recited in claim 1. Ross does not disclose the elements of claim 1 that are not disclosed by Maeda. Ross is merely cited by the Office for teaching *“wherein the lead-in part (68) of the pregroove is extending on the first recording layer from a starting radial position (66) to an ending radial position (67), and the ending part (69) of the pregroove that comprises the second control information is substantially located between a radial position corresponding to said ending radial position (67) and a radial position corresponding to said starting radial position (66)”*, as recited in claim 2 and *“wherein said ending radial position (67) on the first recording layer substantially corresponds to a radial position on the second recording layer where the wobble modulation representing the second control information starts”*, as recited in claim 3. Hence, there is no teaching or suggestion in Ross of *“a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer”*, as recited in claim 1.

Therefore, the combination of Maeda and Ross do not disclose each and every element of claim 1, from which claims 2 and 3 depend. Hence, claims 2 and 3 are allowable.

**IV. Claim Rejection under 35 USC 103**

The Office has rejected claims 5-8 under 35 U.S.C. §103(a), as being unpatentable over Maeda. Applicant respectfully traverses the rejection.

**Claims 5-8 are Allowable**

As explained above, Maeda does not disclose or suggest each and every element of claim 1, from which claims 5-8 depend. Specifically, the cited portions of Maeda fail to disclose or suggest *“a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer”*, as recited in claim 1.

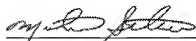
Claims 5-8 depend from claim 1, which Applicants have shown to be allowable. Thus, claims 5-8 are allowable, at least by virtue of their dependency from claim 1.

**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-8 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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